



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,814	11/07/2000	Mark D. Morrison	MORRISON 00.02	1159

7590 10/17/2005

Steven J Grossman
Hayes Soloway Hennessey Grossman & Hage P C
175 Canal Street
Manchester, NH 03101

EXAMINER

CONTEE, JOY KIMBERLY

ART UNIT	PAPER NUMBER
----------	--------------

2686

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,814

Applicant(s)

MORRISON, MARK D.

Examiner

Joy K Contee

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32,34 and 41-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-32,34 and 41-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

an

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claims 22-32,34 and 41-47 is withdrawn in view of the newly discovered reference to Ichikawa (JP 11-163989). Rejections based on the newly cited reference follow.

2.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 27-32,34 and 41-44,46-51 rejected under 35 U.S.C. 102(e) as being anticipated by Ichikawa (JP 11-163989).

Regarding claims 27-32,34 and 41-44,46-51, Ichikawa discloses a cable retractor assembly coupleable to a portable communications device, comprising:

a communications circuit for sending and receiving wireless communications signals; a cable retractor assembly for retracting a coupled cable, the cable comprising a first end and second end, the first end coupled to the communications circuit and the second end comprising a speaker; an enclosure for housing the communications circuit

Art Unit: 2686

and the retractor, wherein the enclosure is detachably coupled to the communications device; a sensor to determine if the speaker is extended or retracted from the communication device, and a micro controller programmed to send an audio signal (and alert or ringer) to the speaker when the communications circuit receives a wireless communications signal and the sensor determines the speaker is extended from the communication device (**see pages 1-4, paragraphs [0003,0012-0013,0016,0021-0022] and figure**).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-26 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa, in view of MacDonald, Jr. et al. (MacDonald, Jr), U.S. Patent No. 6,374,126.

Regarding claims 22-26 and 45, Ichikawa discloses the limitations as applied to claims 27-32,34 and 41-44,46-51 above, but fails explicitly disclose a vibrator designed to vibrate when the actuator picks up the incoming call.

In a similar field of endeavor, MacDonald discloses a vibrator designed to vibrate when the actuator picks up the incoming call (col. 7, lines 29-46).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Ichikawa to include vibrator as an alert for notification to the user of an incoming call.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Arai et al., U.S. Patent No. 5,706,353, discloses a recording and/or reproducing apparatus.

Lands et al., U.S. Patent No. 6,144,864, discloses a voice communication for handheld computing devices.

Stowers, Sr. , U.S. Patent No. 6,094,496, discloses a vehicle seat head rest.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC


J. K. CONTEE
PATENT EXAMINER


TEMICA BEAMER
PRIMARY EXAMINER